

The Churchill County Standard

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Ten Cents a Copy

MAINTENANCE CHARGE ILLEGAL

Is So Held By United States Circuit of Appeals Involving Appeal of Arid Land Farmer.

This office is in possession through the kindness of Hon. R. L. Douglass, president of the Truckee-Carson water users' association of a copy of the Federal Reporter of December 26th, which contains the decision, rendered by the United States Circuit Court of Appeals, Ninth District, affecting the validity of the maintenance and operation charges made by the reclamation department of the government upon projects under the control of the government. This decision, in which Circuit Judge Ross and Hunt upheld the viewpoint of the appellant, a water user of the Sunnyside, Wn., government project, while their colleague, Circuit Judge Gilbert dissented, is in effect, that no authorization has been under the reclamation law empowering the construction of government irrigation systems, for the collection of operation and maintenance charges.

This court held that the officers of the Sunnyside project acted wrongfully and without warrant of law in levying an assessment against the irrigable lands of the project of 55 cents per acre. In the review of the case concerned, the Federal Reporter makes numerous citations, from which the following are taken:

Not only do we find nothing in section 4 of the act requiring the Secretary of the Interior to levy such a charge against the land as will return to the reclamation fund the entire estimated cost of the system, but we are of the opinion that the express declaration of Congress in the very same section, declaring that "the said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably," precludes the reading into that section the further cost "of operation and maintenance" of the system: First, because to do so would be to legislate, which the court has no power to do; and second, because it would be to legislate in direct contravention of other provisions of the same act, namely, of that provision of section 5 where it is provided that the entryman upon lands to be irrigated by such works "before receiving patent for the lands covered by his entry shall pay to the government the charges apportioned

against such tract, as provided in section four," and of that portion of section 1 of the act which expressly declares that the reclamation fund shall be "used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion and development of waters for the reclamation of arid and semi-arid lands in the said states and territories, and for the payment of all other expenditures provided for in this act," and particularly in contravention of this express and explicit provision of section 6 of the act:

"That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: Provided, that when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: Provided, that the title to and the management and operation of the reservoirs and the work necessary for their protection and operation shall remain in the government until otherwise provided by Congress."

And in the course of the speech of Representative Jones, of the state of Washington, now a senator of that state, made in advocacy of the measure (Cong. Rec. vol. 35, part 7, p. 6753), is the following:

"* * * In other words, the government gets its money back. This payment, it may be said, however, goes into the reclamation fund to be re-expended. This is true, but whenever the government ceases to construct irrigation works and all the land is taken and paid for, the fund is entire and can be turned back into the general treasury, so that in the end the government will receive all of its expenditures, except, probably, such amount as may be expended for maintenance."

THE COUNTY COMMISSIONERS

Report of Business Transacted Together With Bills Allowed.

The board of county commissioners concluded their first meeting of the year and incidentally, the first meeting of the new board, last Saturday. The members present were: C. P. Cirac, chairman, Long Term Commissioner George Ernst, Short Term Commissioner A. C. Burton, District Attorney T. C. Hart and County Clerk C. L. Noble.

The matter of awarding the management of the county telephone system came up for consideration and the bids of the following persons opened: J. E. Hicks, G. B. McFarland, E. N. Robin, H. C. Lattin, W. R. Birch and George C. Coverston. With the exception of Mr. Lattin's bid, which called for a salary of \$125 per month, all applicants specified \$150 as the monthly wage desired. The board concluded to lay aside all bids submitted and re-advertise, specifying more fully the nature of the services desired. Accordingly, a new advertisement appears in this issue and a copy of the contract to be entered into, together with a copy of bond to be furnished by the successful bidder, is on file in the office of the county clerk.

The awarding of the janitorship of the courthouse was also held over for another meeting the members of the board deeming it prudent to secure the services of a janitor who will be expected to be present at the courthouse during working hours. The re-advertisement for this position appears also in this issue and sets forth what will be expected of the successful bidder.

The manager of the county telephone system was ordered to loan to the City of Fallon for a period of 90 days half a dozen telephone poles. Bids for a county physician for the new year were opened. They were as follows: Drs. C. A. and N. B. Hascall, \$50 per month; Drs. G. L. Dempsey and J. C. Ferrell, \$50 per month for physicians' services and \$10 per month extra for medicine for the county hospital; Dr. G. M. Gardner, \$39 per month, the contract being awarded to Dr. Gardner as the lowest bidder.

J. H. Miller, who has cared for the county sick for the past decade, is apparently the only man in the county who cares for the unpleasant tasks that are incumbent upon the contract. He was awarded the contract at the old figures, which are: \$75 a month as a salary for Mr. Miller as the nurse in charge, and \$1 per day for all indigent sick cared for.

The application of W. H. Jackson for the use of the court rooms was rejected.

The certificate of Cashier C. W. Foote, of the Churchill County Bank setting forth that there was on deposit at the close of the year the sum of \$41,402.77 to the credit of the county was received and filed. The application of A. Archibald, of Fairview, for a stationery engineer's license was granted.

The petition of the residents of St. Clair precinct, asking for the appointment of C. A. Beckstedt as justice of the peace of the precinct, was considered and ordered laid over until the February meeting of the board.

The county advertising for the month of January was ordered done by the Churchill County Standard at one-half the legal rate, the job printing for the same period being awarded to the Churchill County Eagle at the same schedule of prices that governed under the 1912 contract.

The petition of W. H. Williams and others of the Harmon school district for the changing of the boundaries of the districts was ordered granted. The change contemplated will throw a part of the territory now in the Harmon district into the Fallon district.

The arrangement heretofore existing between W. D. Clarke, owner of the Armory hall and the county, whereby the latter paid \$60 per mo. of the \$75 rent charged, was ordered discontinued at once, the clerk to so notify Mr. Clark. This action was taken following the receipt by the board of a notification from the war department of the national government that no appropriation had yet been made by the government for the Nevada national guard, it being supposed when the contract was entered into that reimbursement from the national government would follow.

County Commissioner George D. Ernst was authorized to arrange with Shober J. Rogers for the exporting of the county books as required by the law. The bonds of the following officials were approved in the following sums: J. W. Richards, \$100,000; J. C. Coniff, \$20,000; C. L. Noble, \$10,000; J. W. Sitton, \$5,000; F. F.

(Continued on Supplement.)

FACTORY WILL REMAIN HERE

This Is Text of Telegram Received Yesterday By Hon. Thos. Dolf.

The Fallon sugar factory is still a local institution. The great enterprise that was launched so auspiciously two years ago is to remain to contribute a substantial portion to the material prosperity of the community and state. Nevada has been placed on probation for at least one more season, in order that the most complete demonstration may be made of our ability to do or not to do in a beet sugar sense. This is the text of a telegram received yesterday by State Senator Thomas Dolf from I. H. Kent, who is the spokesman who journeyed back to Bay City, Mich., recently to intercede with the majority stockholders on behalf of the people of this county and state and that his trip was not without avail is plainly shown by the following message.

Mr. Tom Dolf, Fallon, Nev.,

"It has been arranged satisfactorily to leave the factory at Fallon this year. Have practically guaranteed thirty thousand tons of beets."

I. H. KENT.

For nearly a week after their arrival in Bay City, Messrs. Fred and Henry Hinz and I. H. Kent were compelled to await the return of Mr. Bialek, the representative of the interests holding control in the factory affairs. And for nearly a week Mr. Kent cogitated, outlined arguments in his mind and with the opportunity to deliver himself, he made it plain that every business precept demanded the retention of the Fallon factory. He argued for two days and he pleaded. He showed the vitality of the factory to our community life and likewise committed this section to the growing of a sufficient tonnage of beets to make the factory a paying proposition. And that conviction came from his representations is patent when the results are known.

If the factory is of value to Fallon and it is without doubt, then the men who went east have performed a real service and will be entitled to credit for the prosperity that has been the subject of our waking thoughts for two years. And by the same line of reasoning every business man and every farmer in the valley is entitled to a degree of credit for rallying to the support of the factory. But few who do not know the blow that would be dealt with the factory's removal and the resultant consequences.

In his overtures to the Michigan stockholders Mr. Kent represented that Nevada would raise a minimum of 30,000 tons of beets during the coming growing season; that this tonnage with its remarkably high per centage of sugar contents would return a greater profit than 40,000 tons from a Michigan section, and that as the years pass by the annual beet crop returns would be ever increasing; that the indomitable men of this community who gave from their substance some \$50,000 were entitled to further consideration and that Nevada would not be long in taking rank as a great sugar producing state, through its wonderful beet sugar growing potentialities.

And now with a probationary period facing us, it is up to everyone in this and nearby sections to give the factory the very best that is within them; it is up to them to do this because Fallon will not be alone in sharing the results of beet sugar manufacturing. A practical demonstration here will undoubtedly result in a chain of factories over the state and Nevada stands in woeful need of industries. The soil of this state has been tested for sugar beet growing to that degree that proves conclusively that it is excelled by no place in the world in the purity and percentage of sugar in its beets. The late manufacturing campaign has proven as well that the juices of our beets make real sugar of the finest quality. And it has been shown that beet growing returns attractive profits to the farmers. It still remains to be shown whether Nevada's agriculturists and business men can cooperate to a degree that will make the factory profitable, but the responsibility now rests with us, and Nevadans can be depended upon, now that they are thoroughly alive, to completely fulfill their end of the contract.

Let us make the year 1913 a memorable, profitable and epoch making period!

TO INVESTIGATE GAMES. Authorities Will Determine Whether "Big Indian" Is Contrary to Our Statutes.

The authorities are investigating a game that has been played in Fallon for some time called "Big Indian." It may or may not be everything its name implies, but the fact remains that it is a highly demoralizing pastime and results in

THE FALLON POST OFFICE

Affairs Continue To Prove The Growth Of The Community It Serves.

The largest stamp sale day in the history of the Fallon post office occurred recently when \$87 worth of stamps were sold. Co-incidentally, 88 postal money orders were written in one day. The local post office is enjoying constantly increasing business and is to be favored soon by a number of improvements. An all night service for lock box patrons is to be included among the innovations.

So far nothing has been heard in Fallon of the result of the opening of the bids from the local property owners for the post office quarters but it is believed that the department will act soon. Likewise, it is thought that the Fallon office will in all probability remain in its present quarters.

NATIONAL GUARD BOYS.

Take Commendable Step and Plan To Organize Fallon Fire Company.

The members of Fallon Company "B," of the Nevada National Guard at the last meeting decided to organize a fire company from the company roster that will be available for fire fighting in Fallon. Preliminary steps have already been taken that assures the organization and to fight a permanent set of rules and regulations will be adopted, and the organization made complete.

This move on the part of the local guardsmen is highly commendable and should be fully appreciated by the local business men. Not long ago it was pointed out by the underwriters' board, of San Francisco, that unless some local efforts were directed towards effecting the organization of an effective fire fighting body in Fallon our present favorable insurance rates could not be long enjoyed. It is up to our business men to encourage this new civic organization.

THE LOUIS CARARA ESTATE.

Will Found To Be Contested By Daughter in Colorado.

Attorney Mark Walser, of Reno, who was in town last week, stated that a will executed by the late Louis Carara, who was killed at Terrell last May, had been unearthed over in Mineral county, where an attempt was being made to probate the instrument, but that he would, acting for Miss Josephine Carara, of Pueblo, Colo., file a contest and seek to invalidate the will, alleging undue influence and that Carara was not responsible at the time he executed the will.

In the meantime, Mr. Walser will seek to have the matter transferred to the Churchill county district court. The hearing at least on the validity of the will, will occur before District Judge L. N. French, according to Mr. Walser.

Correspondingly his losses and gains and if it is shown that the game has either the per centage or banking features prohibited by the state law the authorities propose to eliminate it insofar as this county is concerned.

The game is played with cards and is attractive largely through its easiness of understanding.

District Attorney T. C. Hart further proposes to stop, if possible, the sale of drugs to fiends—a practice that has heretofore thriven, if one is to judge from the number of habitual users of cocaine and morphine that abound here.

In his purpose to make local practices conform to the law Mr. Hart is to be congratulated and he should have the hearty support of every fair person.

- ALL - DRUG PATRONS

Have Come To Understand That Their Physician's Prescriptions Are Always reliably Filled by Us With The Purest and Freshest Drugs in the Market. In Matters of Health Chances Cannot be Taken.

Our Stock of Sundries, and Musical Lines are Complete—All High Grade Makes of Talking Machines.

...LATEST RECORDS...

Morris & Loring Drug Co. FALLON, NEVADA.

THIS COUNTY'S LEGISLATORS

Are Committed To Much That Is Good For The State And This County.

The state legislature convenes in Carson on next Monday, the 20th of this month and plans are being laid over the state for new legislation. Every county wants something deemed germane to sectional interests and everything points to the session going the constitutional limit. Churchill county's delegation, comprising State Senator Thomas Dolf and Assemblyman W. C. Grimes, Democrats, and J. W. Ferguson, Republican, are effecting preparations for an early departure for the state capitol in order to be on the ground early and sense the proposed legislation with which they will have to deal.

Our delegation fortunately, is committed to rigid economy. All being business men and highly representative of our best interests, they are united in the desire for a curtailment wherever possible of the fixed expenses of the state and county, and are unequivocally committed particularly to a retrenchment plan that will effect a material reduction in the annual fixed expenditure coincident with the conduct of Churchill county's government.

Non-Partisan Citizens' Committee.

The local delegation is united in a desire to work harmoniously with the state committees from among the substantial men of Nevada, who are seeking under the leadership of Senator Newlands, Hon. W. A. Massey and Governor Oddie to bring about a more efficient state government at a reduced cost. Rather than raising tax valuations our delegation believes the logical method that would result in a betterment of state conditions, a result that is being so earnestly sought, can be brought about by a reduction of state salaries and by the inculcation of a little more industry among the state officers. The view is taken by this county's delegation that the retrenchment plan for state affairs has the backing of the substantial men of Nevada.

The New State Banking Law.

The new state banking law, which has already received a thorough test by the state's banking interests has proven so wholly satisfactory that it would be unwise in the opinion of this county's solons to disturb it by amendments.

Quarantine Law.

The Churchill legislators, like a majority of those that will comprise the next legislature, are anxious for a quarantine law that will be broad, comprehensive and effective and will vest in the state's chief executive the right to declare a ban on outside products at any time when danger to the state's industries seems threatened. The great need for an effective quarantine law has been made manifest times without number and particularly during the late months by the importation from weevil infested districts in Utah of alfalfa hay by a contracting corporation from the Mormon state. This county, being a leading farming territory, is particularly interested in a quarantine law.

School Supervision.

Assemblyman W. C. Grimes will seek to have a law passed that will nullify the offices of deputy state superintendents of public instruction and re-invest the powers of these officials in the district attorneys of all counties not able to maintain a separate office of county superintendent of schools. In this project Mr. Grimes will have the endorsement of a large number of citizens of the state. At the last legislature the deputy school superintendents, led by their chief, John Edwards Bray, the state superintendent of schools, spent a large amount of their time when they should have been looking after the school affairs in the lobbies of the state capitol, creating much unfavorable comment and there is a growing suspicion that politics enter too largely into their respective of-

ices to make for real school betterment. The other members of the delegation are not committed on this proposed law.

The State Medical Society.

The state medical society is proposing questions of vital issue for law enactment, including the sterilization of incorrigibles and health certificates for parties contemplating the nuptial contract. These are radical departures over established practices of the past and will have to be looked into very carefully. Much opposition is already manifest among the laity of the state to these proposed innovations, though the purpose of the medics in suggesting these things are sincere and well meant. But in one instance, it is pointed out that the health certificate scheme would be fruitless without expensive equipment now absent in most cities of the state and that the cost of the various health tests would approximate \$50 per individual, admittedly a sum prohibitive for many contemplating marriage.

Incorporated Cities.

In various sections of the state, where towns have been incorporated under the general law, citizens generally are asking for a greater degree of publicity on municipal affairs. The current transactions should be published monthly, in order that the general public may know of the progress of city business. Contracts involving an annual expenditure of certain sums should also be advertised and awarded to the lowest responsible bidder under a mandatory provision.

Consolidation of School Districts.

A question that may be submitted to the voters concerned involves the consolidation of a half dozen school districts of this vicinity, including Fallon district. The consolidation scheme would mean added school facilities and at the same time it would bring added burdens in the nature of buildings and transportation facilities, which of course must be shared pro rata by the districts enjoying the benefits. It is cited that this is the only Nevada territory presenting a feasible field for the consolidated school plan and the details of a great central school plant are being carefully worked out. It is probable that a tentative measure will pass the next legislature, made subject to the votes of the people of Fallon and surrounding territory. It is pointed out that this idea must be applied sooner or later and if it is shown that the time is ripe it will be invoked.

Fernley Annexation.

The annexation of the Fernley district is a project earnestly desired, not only by all Churchill county residents, but by those living in the territory that would be affected. To recall the promises made two years ago, but not forgetting that the promises of lawmakers are as easily broken as pie crusts, the delegations representing both Storey and Lyon counties in the last legislature promised to withdraw all opposition to such a scheme at the earliest future date when the legal tangle involving the boundaries of the two counties had been settled in court. Of course, the minds of legislators are subject to woeful lapses of memory, but Fernleyites and Churchill countyites will renew the demand again this year, now that the courts have defined the imaginary lines existing between the two contending counties, with evident satisfaction to at least on county. This being Lyon and Lyon being the county chiefly affected, it will be plainly inconsistent to further object to the claims of a number of its people who for reasons of convenience alone, and not sentiment, desire annexation to this county. A glance, too, at the maps of the star fish county will give rise to wonderment over the first motives that resulted in the creation of a point that is literally a wedge that enters into

(Continued on Supplement.)

FarmLandBeatsaBank

Every precedent proves the truth of the above statement. What's better than Land Investment?

THE ISLAND RANCH

is being sold in segregations to suit the purchaser, with or without water right. This property is the Project's richest portion and consequently is leading all other districts in development. Ideal for Grain, Alfalfa and Fruit. Terms given to Home seekers. Call on or address:

R. L. DOUGLASS, Fallon, Nevada

W. W. Williams President Thos. Dolf, Vice President C. W. Foote, Cashier
F. P. Strassburg Assistant Cashier

Churchill County Bank Fallon, Nevada

Authorized Capital\$100,000
Paid Up Capital 65,000
Surplus 21,000

A home bank whose officers and directors are local people, well and favorably known in Fallon and vicinity. We handle all the business entrusted to us with care. Small deposits given the same careful attention as large ones.